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*Attorneys for Defendant WELLS FARGO BANK, N.A.*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

LN MANAGEMENT LLC SERIES 5204  
PAINTED SANDS,

Plaintiff,

vs.

WELLS FARGO BANK, N.A.; QUIXOTE  
VENTURES OPPORTUNITY FUND, LLC, a  
Nevada limited liability company; and DOES 1  
through 10, inclusive,

Defendants.

WELLS FARGO BANK, N.A.

Counter Claim Plaintiff,

vs.

LN MANAGEMENT LLC SERIES 5204  
PAINTED SANDS, a Nevada limited liability  
company; NEVADA ASSOCIATION  
SERVICES, a Nevada limited liability company;  
PAINTED DESERT COMMUNITY  
ASSOCIATION, a Nevada non-profit  
cooperative corporation, JOHN DOES 1-20;

Counter Claim Defendants

Case No.: 2:13-cv-01200-LDG-PAL

**STIPULATION AND ORDER FOR  
DISMISSAL WITHOUT PREJUDICE  
OF PAINTED CANYON  
HOMEOWNERS' ASSOCIATION**

1 Plaintiff LN Management LLC Series 5204 Painted Sands, through its attorney, Kerry P.  
2 Faughnan; Defendant Wells Fargo Bank, N.A., (“Wells Fargo”), through its attorneys, the law  
3 firm of Snell & Wilmer L.L.P., and Defendant Painted Sands Community Association (“HOA”),  
4 through its attorneys, the law firm of Lipson Neilson, hereby stipulate and agree as follows:

5 WHEREAS, the above-captioned action concerns an NRS 116 foreclosure sale involving  
6 that real property in Clark County, Nevada with APN 125-34-219-018, commonly known as 5204  
7 Painted Sands Circle, Las Vegas, Nevada 89149 (the “Property”);

8 WHEREAS, Wells Fargo filed its Answer and Counterclaims on May 30, 2018, alleging  
9 several causes of action against the HOA; and

10 WHEREAS, the HOA does not have a current ownership interest in title to the Property..  
11 The HOA specifically reserves its ongoing rights under Nevada law, including NRS Chapter 116,  
12 and the governing documents, including the Covenants, Conditions and Restrictions (“CC&Rs”).

13 WHEREAS, the HOA specifically reserves its right to raise any and all applicable  
14 defenses, including statute of limitations arguments, in the event the event future claims are  
15 asserted against the HOA in this litigation.

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

17 1. The Counterclaims are dismissed without prejudice as to Painted Canyon Community  
18 Association only, with each party to bear their own fees/costs.

19 2. Any statute of limitations for the causes of action asserted against the HOA in the  
20 Counterclaim shall be tolled from the date this Stipulation is signed by the parties until the litigation is  
21 fully and finally concluded.

22 3. The HOA agrees to disclose its file and all documents relevant to this action prior to  
23 October 31, 2018. All parties reserve their rights under the Federal Rules of Civil Procedure to  
24 serve the HOA with a subpoena for any additional documents or information.

25 4. The HOA agrees to produce to the parties’ counsel of record a knowledgeable witness for  
26 deposition regarding the facts and circumstances in this case at a mutually-agreed upon date and time  
27 at the office of Snell & Wilmer L.L.P. located at 3883 Howard Hughes Parkway, Suite 1100, Las  
28 Vegas NV 89169. The HOA will also produce a similar witness for trial, if necessary.

5. Upon filing of this Stipulation, the HOA's Motion to Dismiss filed on July 31, 2018 [ECF No. 67], and all related briefing shall be deemed to be withdrawn.

6. This dismissal does not affect any rights, claims or defenses of Wells Fargo or the HOA with respect to any other party related to the foreclosure sale of the Property.

Dated this 28th day of August, 2018

/s/ Kerry P. Faughnam

Kerry P. Faughnam, Esq.  
Law Offices of Kerry Faughnam  
P.O. Box 335361  
North Las Vegas, NV 89033  
Email: Kerry.faughnam@gmail.com

*Attorney for Plaintiff and Counterclaim  
Defendant LN Management LLC Series 5204  
Painted Sands*

*(electronic signature affixed with permission)*

Dated this 28th day of August, 2018

/s/ Amber M. Williams

Amber M. Williams, Esq.  
NV Bar No. 12301  
LIPSON | NEILSON, P.C.  
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Las Vegas, NV 89144  
Email: awilliams@lipsonneilson.com

*Attorney for Counter-Defendant Painted Desert  
Community Association*

*(electronic signature affixed with permission)*

Dated this 28th day of August, 2018

SNELL & WILMER L.L.P.

/s/ Tanya N. Lewis

Amy F. Sorenson, Esq.  
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Alex L. Fugazzi, Esq.  
Nevada Bar No. 9022  
Tanya N. Lewis, Esq.  
Nevada Bar No. 8855  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169

*Attorneys for Defendant/Counterclaim Plaintiff  
Wells Fargo Bank, N.A.*

**ORDER**

IT IS SO ORDERED:

  
UNITED STATES DISTRICT COURT JUDGE

DATED: 14 Sept 2018

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: August 28, 2018

/s/ Debbie Withers  
An Employee of SNELL & WILMER L.L.P.

4844-8189-7840